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The Future of Transnational Antitrust – From Comparative to Common Competition Law



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The Future Of Transnational Antitrust From Comparative To Common Competition Law

Brendan J. Sweeney



The Future Of Transnational Antitrust From Comparative To Common Competition Law:

The Future of Transnational Antitrust Josef Drexl, Peter Behrens, 2003 Contains papers from a conference held in Frauenchiemsee Upper Bavaria June 2002 **The Oxford Handbook of Transnational Law** Peer Zumbansen, 2021 The Oxford Handbook of Transnational Law offers a comprehensive compendium for the field of Transnational Law by providing a unique and unparalleled treatment and presentation in an area that has become one of the most intriguing and innovative developments in legal doctrine scholarship theory as well as practice today With a considerable contribution from and engagement with social sciences the Handbook features numerous reflections on the relationship between transnational law and legal practice **Antitrust Policy Issues** Patrick Moriati, 2006 The goal of antitrust advocates is to increase the role of competition assure that competition works in the interests of consumers and challenge abuses of concentrated economic power in the American and world economy Antitrust policies were first enacted during the great robber baron era of American economic history Men such as Rockefeller and Carnegie were forced to split up their companies that monopolised the oil and steel industries of America Ever since that time antitrust policies have worked to avoid similar situations These policies cannot always be effective because of developing circumstances This book presents studies of different antitrust policies and how they adapt to a rapidly changing economic landscape **Elgar Encyclopedia of Comparative Law, Second Edition** J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library _ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners **The Evolution of European Competition Law** Hanns Ullrich, 2006-01-01 Professor Ullrich is thoughtful and attracted star scholars from many countries so the papers and discussion are provocative and introduce recent economic thinking although many are written by lawyers The text is lucid and interesting the thought innovative and anyone seriously interested in competition policy should read these papers and

the comments with pleasure Valentine Korah World Competition This collection of papers and comments deserves to be widely read and it should appeal to academics and practitioners alike The great mix of topics and the variety of views offered make this a very stimulating contribution to the discussion of the new paradigm of EC competition law the more economic approach and its implications for the application and interpretation of the various EU antitrust rules Thomas Eilmansberger European Law Journal The editor should be congratulated for bringing together this diverse group of scholars whose spirited disagreements remind one of the many challenges faced in exploring the role and function of competition law Giorgio Monti European Review of Contract Law With contributions from leading scholars from all over Europe and the US this book covers the major areas of substantive competition law from an evolutionary perspective The leitmotiv of the book has been to assess the dividing line between safeguarding and regulating competition which it does by reviewing the following subjects foundations of competition policy in the EU and the US strategic competition policy the evolution of European competition law from a national Italian perspective the block exemption of vertical agreements after four years the new Technology Transfer Block Exemption cooperative networking mergers in the media sector abuse of market power concepts of competition in sector specific regulation competition regulation and systems coherence efficiency claims in EU competition law and sector specific regulation The Evolution of European Competition Law will be of great interest to lawyers economists academics judges and public officials working in the fields of competition law and policy The Governance of Global Competition Oliver Budzinski, 2008-01-01 highly recommendable to anyone interested in international competition policy Arndt Christiansen European Competition Law Review This book provides a comprehensive and refreshing analysis of the competition issues raised by the globalisation of markets It draws on a very wide range of economic and legal sources to assess the manifold proposals for controlling the competitive forces released by the freeing up of world markets All those interested in these important and largely unresolved issues will find it an invaluable source of reference Michael A Utton University of Reading UK and Dongbei University of Finance and Economics Dalian China The globalization of market competition and business behaviour fosters globalization of cartels and monopolising mergers that can lead to abusive and predatory strategies The globalization of competition therefore also demands an internationalization of competition policy However Oliver Budzinski is realistic in his assertion that supranational competition governance must be built upon the existing predominantly national regimes The resulting multilevel system of antitrust institutions and authorities he argues is problematic for the horizontal and vertical allocation of competences This book employs the economics of federalism to create an analytical framework which can be used for comparative analysis of stylised competence allocation rules The result is a proposal for a sound international multilevel competition policy system that combines elements of both centralized and decentralized governance This book provides an innovative and unique perspective on international competition policy and will be of interest to economists legal scientists and competition authorities as well as academics and practitioners of

international governance and international relations and politics *A Framework for European Competition Law* Christopher Townley, 2018-11-29 This book asks whether the current push to increase uniformity in substantive and procedural competition policy and enforcement in Europe as well as in related institutional structures is desirable. It focuses on European Union EU competition policy and enforcement related to Articles 101 and 102 TFEU and the merger rules, the equivalent rules in the Member States and the relationships between these different legal orders. Uniformity has many benefits, yet the advantages of diversity are also legion, enabling more policy experimentation and innovation and improving the ability to accommodate national preferences. Contrary to the overwhelming view of academics, practitioners and regulators in this area, the book argues that uniformity is insufficient and examines ways of achieving a better mix of uniformity and diversity. The EU's motto is 'United in Diversity'. To achieve this better mix, the book offers a new framework for European competition law: Coordinated Diversity. Finally, this book discusses whether Coordinated Diversity fits with the current legal order in the EU as well as the EU constitutional settlement more generally and suggests some ways that it might be made compatible with this order with relative ease. The book's impact could be significant, changing the results in individual cases, the way cases are argued and what information is relevant. More importantly, it builds the theoretical foundations for fundamentally altering the way in which the EU and the Member States' competition authorities interact, allowing space for disagreement and uncertainty. The aim is to improve the efficiency and effectiveness of competition policy making and enforcement in Europe. It should also increase the legitimacy in this field, rebalancing towards the Member States. Coordinated Diversity provides a new way of seeing the EU that better blends difference when this is demanded with uniformity and its benefits as necessary. A timely and ambitious work, this book will be read with interest by all practitioners and academics interested in EU competition law as well as the related fields of political science and economics. *Strategies to Achieve a Binding International Agreement on Regulating Cartels* John Sanghyun Lee, 2016-11-24 This book addresses the lack of binding multi-lateral international agreement on cartels through analysis of trials and failures. It also suggests strategic approaches to overcome current standstills. In addition, the book contrasts international agreement on cartels with inter-governmental commodity agreement, which has been developed separately through international law. Through this project, the author puts forth that successful international law on cartels needs to reflect the interests and arguments of developing countries. **International Economic Law and Governance** Julien Chaisse, Tsai-Yu Lin, 2016 Celebrating the work of Mitsuo Matsuhita, this volume focuses on dispute resolution and the law and politics of the World Trade Organization, offering a critical and scholarly analysis of the current and future state of international economic governance. *International Competition Enforcement Law Between Cooperation and Convergence* Jörg Philipp Terhechte, 2011-03-24 The international dimensions of competition law and policy are most often examined at the level of substantive law. In this legal area, both intentional and spontaneous assimilation and harmonization trends can be recognized, which manifest

themselves e.g. in comparable approaches to combating particularly harmful restraints so called hardcore cartels However the complex terrain of enforcement law has been mainly ignored up to date Are there common approaches in this field as well How are the various competition laws linked with each other in respect to procedural norms This book conceptualizes International Competition Enforcement Law against the backdrop of these issues and at the level of comparative law The ciphers cooperation and convergence will serve as the two principle ideas for this book

The Internationalisation of Competition Rules Brendan J. Sweeney, 2009-09-10 The widespread move towards more market driven models of political economy combined with the expanding internationalisation of business and commerce has led to a series of proposals for global competition rules To date these proposals have been hotly contested The purpose of this book is to investigate in some depth whether there is a rational foundation for pursuing international competition rules and what form these laws should take The book takes examples from existing competition laws around the world in particular the US and the EU both of which have a long history of enforcing established competition rules

Law and Economics in Europe and the U.S. Alain Marciano, Giovanni Battista Ramello, 2016-11-30 This volume traces the evolution of the field of law and economics from its European roots to its neoclassical Chicagoan period to its current identity as a more fluid transatlantic discipline Paying special attention to the work of German economist Juergen Backhaus who was instrumental in the reintroduction of the European perspective to the field this book analyzes this gradual shift in the law and economics debate and provides a state of the art of the literature currently being produced by the field's most active scholars Beginning with a discussion of the history of the field and Backhaus role in its development the volume provides a survey of issues central to the current debate such as legal processes in both Europe and the U.S. constitutional political economy regulatory law and the ongoing evolution of the European Union The importance of this volume is two fold as it firmly grounds the discipline in history while establishing a future research agenda This book will be of use to researchers studying law and economics as well as those interested in institutional analysis

The Governance of Telecom Markets Antonio Manganelli, Antonio Nicita, 2020-11-03 This book provides a critical comprehensive summary of the coevolution of telecom markets rules and public institutions over the last 25 years focusing on the challenges that regulators and policy makers have been facing Even if the perspective of the book is European as the EU regulatory framework is examined most of the economic and institutional issues addressed are common to all telecom markets in advanced economies The book addresses some traditional fundamental topics in the telecom regulation literature as well as some hot button topics in the current policy debate e.g. ultrafast broadband and 5G networks the relationship between investments and competition the sector digitalisation and the role of OTTs All these are relevant to students researchers and policy makers interested to get a sound understanding of the sector its many dimensions and coevolutionary patterns

Making European Private Law Fabrizio Cafaggi, Horatia Muir Watt, 2010-01-01 This is a remarkably ambitious work of scholarship What can Europe bring to private

law and what can it take away And how do we shape the institutional design of the governance model s that comprise Europe A stellar collection of contributors provides important fresh insights into the evolving and varied patterns according to which private law is generated in Europe Stephen Weatherill Somerville College Oxford UK The debate concerning the desirability and modes of harmonisation of European Private Law EPL has until now been mainly concerned with substantive rules The link between rules and institutions suggests that governance of both the process of harmonisation and its outcome is necessary This book covers various perspectives on the challenge of designing governance for EPL the implications of a multi level system in terms of competences the interplay between market integration and regulation the legitimacy of private law making the importance of self regulation the usefulness of conflict of law rules the role of intergovernmental institutions and the aftermath of enlargement In addressing these the book s achievements are to successfully link two areas of scholarship that have so far remained separate EPL and new modes of governance and to address institutional reforms The contributions offer different proposals to improve governance the creation of a European Law institute the improvement of judicial cooperation among national courts the use of committees for implementation of EPL Suggesting practical institutional reforms that can improve the process of Europeanisation of private law this book will be of great interest to scholars of law politics political science sociology and economics It will also appeal to policymakers and members of both European institutions and national institutions dealing with European matters

The Ne Bis in Idem Principle in EU Law

Bas van Bockel,2010-01-01 The legal principle of ne bis in idem restricts the possibility of a defendant being prosecuted repeatedly on the basis of the same offence act or facts This book describes obstacles that stand in the way of a single autonomous and uniformly applicable general ne bis in idem principle of EU law

International Institutions and Multinational

Enterprises John-ren Chen,2004-01-01 This book provides rigorous analysis of the wide range of questions surrounding the role of international institutions in governing global business especially multinational enterprises MNEs The analysis both theoretical and empirical focuses on the corporate governance of MNEs and to what extent their management takes into account the negative effects of their activities Also discussed are how nation states and international institutions control the activities of MNEs and how the role and strategies of international institutions can be changed to minimise any negative effects without hampering the positive aspects and effects of MNEs Besides the general questions of corporate governance the fundamental differences between shareholder and stakeholder concepts are also carefully examined A number of moral aspects in corporate governance are touched upon including the effect of international entrepreneurial activities on wages labour markets and environmental issues International Institutions and Multinational Enterprises is a fascinating book that will appeal to scholars of international and development economics international business management and institutional economics NGOs and policymakers involved in international trade monetary and development policy formulation and associated institutions will also find much to interest them

Law in Japan

Daniel H. Foote,2011-10-17 This volume

explores major developments in Japanese law over the latter half of the twentieth century and looks ahead to the future Modeled on the classic work *Law in Japan The Legal Order in a Changing Society* 1963 edited by Arthur Taylor von Mehren it features the work of thirty five leading legal experts on most of the major fields of Japanese law with special attention to the increasingly important areas of environmental law health law intellectual property and insolvency The contributors adopt a variety of theoretical approaches including legal economic historical and socio legal As *Law and Japan A Turning Point* is the only volume to take inventory of the key areas of Japanese law and their development since the 1960s it will be an important reference tool and starting point for research on the Japanese legal system Topics addressed include the legal system with chapters on legal history the legal profession the judiciary the legislative and political process and legal education the individual and the state with chapters on constitutional law administrative law criminal justice environmental law and health law and the economy with chapters on corporate law contracts labor and employment law antimonopoly law intellectual property taxation and insolvency Japanese law is in the midst of a watershed period This book captures the major trends by presenting views on important changes in the field and identifying catalysts for change in the twenty first century

The Outer Limits of European Union Law Catherine Barnard, Okeoghene Odudu, 2009-03-05 A commonly expressed view is that the citizens and the Member States are destined to be overcome by the European Union There is a sense that the Union of today is not what was intended to be created or acceded to by the Member States or its citizens *The Outer Limits of European Union Law* brings together a diverse group of legal scholars to consider aspects of EU substantive constitutional and procedural law in a manner highlighting the many senses in which the European Union is or can be limited and so demonstrating that the fear of being overcome is largely a false fear By exploring the mechanisms and devices used to limit the European Union the contributors also reveal not only the strengths of the various limits but also and more crucially the weakness of the limits thereby demonstrating that the prospect of being overcome may be a genuine risk to be guarded against By considering general themes eg legitimacy and core subject areas eg policing free movement of goods remedies the book reveals the various techniques used by the Court of Justice Community institutions and Member States to define and modify the outer limits of the European Union and *European Union Law*

Regional Competition Law Enforcement in Developing Countries Julia Molestina, 2019-03-06 The book examines the potential for regional competition law systems as enforcement tools in developing countries based on a case study of the West African Economic and Monetary Union the Andean Community and the Caribbean Community It analyses the allocation of enforcement competences between the regional supranational and the national level and formulates detailed guidelines on the optimal degree of centralization or decentralization The book addresses all readers that are interested in the enforcement of competition law in developing countries Moreover it provides practical insights for public institutions that wish to identify or prevent possible misallocation of competences within regional competition law systems

Modes of Thought Wolfgang Fikentscher, 2004

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